

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENNESSY INDUSTRIES, INC., : CIVIL ACTION NO. 06-cv-01484-DWA
Plaintiff,

v.

BANK OF AMERICA, N.A., :
Defendant.

BANK OF AMERICA, N.A., :
Defendant and Third-Party Plaintiff,
v.
INDIANA FIRST SAVINGS BANK, :
Third-Party Defendant.

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties, by their undersigned counsel, pursuant to F.R.C.P. Rule 41(a)(1)(ii), hereby stipulate and agree that the captioned litigation, including the Complaint filed by Hennessy Industries, Inc. against Bank of America, N.A., and the Third-Party Complaint filed by Bank of America against Indiana First Savings Bank, shall be dismissed, with prejudice.

Respectfully submitted,

/s/ Patrick K. Cavanaugh
Patrick K. Cavanaugh
PA ID No. 72960
Del Sole Cavanaugh Stroyd LLC
The Waterfront Building
200 First Avenue, Suite 300
Pittsburgh, PA 15222
(412) 261-2393
Attorneys for Plaintiff, Hennessy Industries, Inc.

/s/ Nicholas Deenis
Nicholas Deenis
PA ID No. 62378
Stradley Ronon Stevens & Young, LLP
2600 One Commerce Square
Philadelphia, PA 19103-7098
(215) 564-8000

Attorneys for Defendant and Third-Party Plaintiff, Bank of America, N.A.

4/30/07

It is so ordered

Monetta A. Ambrose